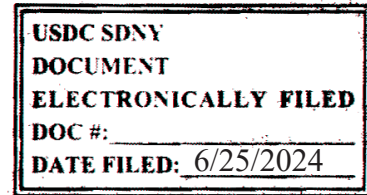


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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CALEB L. MCGILLVARY,

Plaintiff,

23-CV-10428 (DEH)(SN)

-against-

ORDER

ROLLING STONE, LLC, et al.,


Defendants.
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SARAH NETBURN, United States Magistrate Judge:

The Court received the Plaintiff's motion for leave to file a second amended complaint dated June 5, 2024. ECF No. 54. The Plaintiff is only allowed to amend once as a matter of right pursuant to Federal Rule of Civil Procedure 15(a)(1). See Mayle v. Felix, 545 U.S. 644, 645 (2005) ("[P]leadings may be amended once as a 'matter of course,' i.e., without seeking court leave."). The Plaintiff exhausted that right by timely filing his first amended complaint dated April 11, 2024. ECF No. 33. The Plaintiff may not file additional amended complaints without first seeking the Defendants' written consent or the Court's permission. Fed. R. Civ. P. 15(a)(2).

The Defendants are directed to file a letter with the Court indicating whether they consent to the Plaintiff filing a second amended complaint by July 2, 2024. If the Defendants consent, they should also state whether the proposed amended complaint changes their motion to dismiss. The Plaintiff's opposition and the Defendants' reply deadlines are stayed pending further order of the Court.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: June 25, 2024
New York, New York